

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JUSTIN REESE, STEVEN COX, MICAH WITTENBORN and SHELBY BALL, on behalf of themselves and all others similarly situated,

**Plaintiffs,**

V.

DYCOM INDUSTRIES, INC., a Florida corporation; PRINCE TELECOM, LLC, a Delaware limited liability company, f/k/a PRINCE TELECOM, INC.,

## Defendants.

## CLASS ACTION

NO. C09-0606 MJP

**STIPULATION AND ORDER  
REGARDING FILING OF THIRD  
AMENDED COMPLAINT**

## **STIPULATION**

WHEREAS the alleged conduct of Defendants Dycom Industries, Inc. and Prince Telecom, LLC (“Defendants”) gives rise to claims under the Fair Labor Standards Act, 29 U.S.C. §§ 201-219, and such claims are based on the same facts supporting many of the other allegations in Plaintiffs’ Second Amended Class Action Complaint for Damages and Restitution;

WHEREAS it is more efficient to resolve these claims in the context of this litigation than in subsequent litigation;

1  
2 THEREFORE, IT IS HEREBY STIPULATED by and between the attorneys for  
3 Plaintiffs and Defendants, subject to approval by the Court, that:

4 1. On or before December 15, 2009, Plaintiffs shall file their Third Amended Class  
5 Action Complaint, in the form attached as Exhibit A.

6 2. Pursuant to Federal Rule of Civil Procedure 15(a)(2), Defendants consent to the  
7 filing of Plaintiffs' Third Amended Class Action Complaint.

8 Dated this 8th day of December, 2009.  
9

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*Attorneys for Plaintiffs*

## ORDER

THIS MATTER having come before the Court on the stipulation of the parties, the Court GRANTS the stipulated relief requested. Plaintiffs shall file their Third Amended Class Action Complaint by December 15, 2009.

IT IS SO ORDERED.

Dated this 9th day of December, 2009.

  
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Marsha J. Pechman  
United States District Judge

Presented by:

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## **CERTIFICATE OF SERVICE**

I, Toby J. Marshall, hereby certify that on December 9, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 9th day of December, 2009.

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